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Patent Amendment

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 23, 2003. Reconsideration and favorable action in this case are respectfully requested.

The Examiner has rejected claims 1-2, 5-9, 12-16 and 19-32 under 35 U.S.C. §112, first paragraph, under the reasoning that claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The examiner states that the inclusion of the limitation of "an explosive reaction" between the hydrogen containing gas and the oxygen containing gas is not enabled by the application's specification. Further, the Examiner states that the limitation of introducing O₂ and H₂ in an explosive reaction to the insulating layer, silicon-containing structure and conductive structure is not enabled, since the O₂ and H₂ are introduced to the chamber rather than the insulating layer, silicon-containing structure and conductive structure.

With regard to this rejection, the law clearly states that using a new word to rephrase what is shown in the application is not new matter. *In re Anderson*, 471 F.2d 1237, 176 USPQ 331, 336 (CCPA 1973) ("containing" changed to "carrying" in claims). Further, the drawings may provide a written description to support a claim. *In re Wolfensperger*, 302 F.2d 950, 133 USPQ 537 (CCPA 1962). Hence, the Examiner's argument that "there is no language in the specification to support the term 'explosive' is simply not dispositive of whether the claims are supported by the specification.

The specification discusses a reaction between O₂ and H₂ (as well as other embodiments of oxygen-containing gases and hydrogen-containing gases) to produce the selective oxidizing. A reaction between O₂ and H₂ is explosive if the partial pressure is above the explosion limit (the Nakajima reference, previously cited by the Examiner, states that the explosion limit is at a partial pressure of about 4%). Applicant has

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provided many examples in the specification where one of the gases is set at a partial pressure above the explosion limit. On page 7, a constant volume mix of O₂ and H₂ in a ratio of 1:10 are reacted at an initial pressure of 200 Torr. On page 8 (last paragraph), 12% O₂ and H₂ are introduced into the chamber. On page 11, an O₂/H₂ mixture of 20% is described. All of these reactions are above the explosion limit set by the Examiner's reference (see Nakajima, col.6, lines 24-55). All of the aforementioned reactions are *in fact* explosive, as would be clearly known to one skilled in the art, as evidenced by the Nakajima reference. Further, the specification specifically describes techniques to avoid harmful consequences of the reaction, which would be unnecessary in the absence of an explosive reaction. Once again, if the Examiner disagrees, Applicants respectfully request that the Examiner provide *specific* reasons why the evidence is either not credible or not sufficient, so that the problem can be corrected.

The Examiner has rejected claims 1-2, 5-9, 12-15, 20-23 and 27-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,197,702 to Tanabe et al (hereinafter "Tanabe") in view of U.S. Pat. No. 6,037,273 to Gronet.

As discussed in connection with prior responses, Tanabe does not show an explosive reaction in the processing chamber, as required by the present claims. In Tanabe, a water vapor/hydrogen mixed gas (H₂ and H₂O) enters the processing chamber. The H₂ and H₂O are not capable of an explosive reaction in the processing chamber. The water vapor/hydrogen mixed gas is produced by reacting H₂ and O₂ in a catalytic converter 141 external to the processing chamber 101 (col. 14, line 66 through col. 15, line 12). There is thus no reaction which occurs in the processing chamber 101, as required by the claims. Furthermore, a catalytic conversion will not involve an explosive reaction.

The Examiner has relied on the Gronet reference to overcome the deficiencies of the Tanabe reference. Applicants are attaching a Declaration Under Rule 131 showing

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conception and reduction to practice at least as early as March 2, 1998, in support of an invention date prior to the filing date of the Gronet.

An extension of two months is requested and a Request for Extension of Time under § 1.136 with the appropriate fee is attached hereto.

The Commissioner is hereby authorized to charge any fees or credit any overpayment, including extension fees, to Deposit Account No. 20-0668 of Texas Instruments Incorporated.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Alan W. Lintel, Applicants' Attorney at (972) 664-9595 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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